

HR Policies & Procedures

Incorporating:

Discipline Policy & Procedures
Capability Policy & Procedures
Sickness Absence Monitoring & Management
Grievance Resolution

Adopted on: September 2015
By: Lime Trust Board
Review due: September 2017

Signature of CEO:



1. THE TRUST PURPOSE

The Trust believes that all children and students have a right to have an outstanding education and access to outstanding facilities in order to give them the best life chances in life irrespective of race, colour, creed or circumstance. The Trust's model is based on high performing schools supporting those schools that are starting their journey. This model ensures that the very best standards of teaching and learning are developed and that schools are equipped to enable all staff and students to make outstanding progress. This core model of practice is embodied by all schools having high aspirations that exceed expectations for our children, staff and communities.

The Trust believes that that obstacles and barriers both real and perceived can be overcome by clear, strategic and targeted support that creates culture change based on sharing good and outstanding practice, collegiality, and a relentless pursuit of excellence. This leads to high expectations and action to provide opportunities for our children in order for them to have high attainment and achieve exceptionally well in all walks of life. We believe that outstanding teaching and learning must be central to every decision made and every development introduced.

2. THE CORE POLICIES

2.1 This document incorporates the Trust's policies on:

- Discipline Policy & Procedures
- Capability Policy & Procedures
- Sickness Absence Monitoring & Management
- Grievance Resolution

2.2 There may be occasions where the procedures need to be modified to comply with the requirements of the Trust's Child Protection and Safeguarding Policies for example by allowing the Local Authority Designated Officer to offer advice to the Trust at appropriate stages e.g. Managing Allegations against Staff

2.3 In the procedures "working day" means any day on which you would ordinarily work if you were a full-time employee. In other words it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

3. COMPANION

3.1 If you are the subject of a disciplinary interview by the Investigation Manager or a meeting with the Disciplinary Manager, Resolution Manager, Absence Reviewer, Capability Manager or Appeal Manager you may be accompanied at such interview or meeting by a companion who must be either be a willing work colleague not involved in the substance of the matter you or an accredited trade union representative of a union recognised by the Trust.

3.2 You must let the relevant Manager know who your companion will be at least one working day before the interview or meeting.

- 3.3 If you have any particular need, for example, a disability, you can also be accompanied by a suitable helper.
- 3.4 Your companion can address the meeting in order to:
- (a) put your case
 - (b) sum up your case
 - (c) respond on your behalf to any view expressed at the interview or meeting.
- 3.5 Your companion can also confer with you during the interview or meeting.
- 3.6 Your companion has no right to answer questions on your behalf, or to address the interview meeting if you do not wish it, or to prevent you from explaining your case.
- 3.7 Where you have identified your companion and your companion has confirmed in writing that they cannot attend the date or time set for the interview or meeting, the interview or meeting may be postponed for no more than five working days from the date set by the Trust to a date or time agreed with your companion provided that it is reasonable.

4. TIMING OF INTERVIEWS AND MEETINGS

Interviews or meetings under the core procedures may:

- 4.1 need to be held when you were timetabled to teach
- 4.2 exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation
- 4.3 be held after the end of the School day
- 4.4 not be held on days on which you would not ordinarily work
- 4.5 for support staff, be held at any time during the working week.

5. VENUE OF INTERVIEWS OR MEETINGS

If the matters are sensitive the interview or meeting may be held away from your place of work.

6. RECORDINGS OF INTERVIEWS OR MEETINGS

- 6.1 No one is allowed to make an audio or video recording of any interview or meeting without the prior express written permission of all persons present.
- 6.2 The Trust may have a notetaker at any meeting under this procedure to take the official note of the meeting. The notetaker should be someone not involved in the subject matter of the matter.

7. REVIEW OF PROCEDURES

This policy will be reviewed every two years or as necessary e.g. following a change in legislation

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1. SCOPE OF PROCEDURE

- 1.1 This Disciplinary Policy and Procedure applies to you if you are an employee and/or associate of the Trust.
- 1.2 The purpose of the procedure is to give a structure to improve conduct to the standards expected and to facilitate the fair dismissal of those who have not improved or whose conduct is so unacceptable as to warrant dismissal without notice. The aim is to ensure consistent and fair treatment for all employees.
- 1.3 The Trust delegates its authority in the manner set out in this procedure.
- 1.4 There may be some occasions where an employee's behaviour could also be described as incapability. This Disciplinary Policy and Procedure and the Trust's Capability Procedure may be used concurrently whilst the Trust endeavours to ascertain if the behaviour is misconduct or incapability.
- 1.5 There may be occasions where an employee's conduct could relate to their health. This Disciplinary Policy and Procedure may be used concurrently with the Trust's Sickness Absence Policy and Procedure. In particular if an employee goes off sick following the use of this Disciplinary Policy and Procedure the Trust may use its Sickness Absence Policy and Procedure.
- 1.6 There may be occasions when an employee attempts to use the Trust's Grievance Resolution Policy and Procedure in connection with actions taken under this Disciplinary Policy and Procedure. This shall not lead to any delay or pause in the conduct of any matters under the Disciplinary Policy and Procedure.
- 1.7 The use of this procedure does not extend any probationary period and the Trust is free to terminate the employment of a person in a probationary period [as per terms and conditions of individual contract] without following this procedure.

2. GENERAL PRINCIPLES

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

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Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all formal stages of the procedure the employee will have the right to be accompanied by a trade union representative, or a colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

3. INFORMAL ACTION

- 3.1 Your line manager may give you informal warnings at any time about any conduct or performance falling short of the standards expected.
- 3.2 Informal warnings may be recorded in writing and referred to at a later stage to evidence that an informal approach was attempted and the success or failure of such an approach.
- 3.3 Failure to comply with informal action should not on its own be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

4. INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS

<i>Employee Level</i>	<i>Investigating Manager</i>	<i>Disciplinary Manager</i>	<i>Appeal Manager</i>
Head teacher	A person nominated by the Trust CEO	Trust CEO or nominee	Trust Chair or nominee
Other Leadership Spine and School Business Manager	Head teacher	A person nominated by the Trust CEO	Trust CEO or their nominee
Other Teaching Staff	Member of Leadership Team (other than Head teacher) appointed by the Head teacher	Head teacher	Trust CEO or their nominee
Other Support Staff	A person appointed by the Head teacher	Head teacher	Trust CEO or their nominee
Trust staff not within School	Trust CEO or nominee of Trust Chair	Trust Chair or their nominee	Trust Chair or their nominee

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5. SUSPENSION

- 5.1 In cases where the Investigating Manager considers that it is appropriate the Trust CEO, the Trust Chair or their nominee may suspend you for an initial period of up to ten working days.
- 5.2 **This period of suspension must be reviewed by the Trust CEO, the Trust Chair or their nominee every 10 working days.**
- 5.3 Suspension should ideally be undertaken in person but may be undertaken in writing. If it is undertaken in person it will be confirmed in writing.
- 5.4 ACAS suggests that suspension may whilst investigations are carried out might be appropriate where:
- (b) Safeguarding concerns have been identified or evidence of an incident for investigation
 - (c) Relationships have broken down
 - (d) Gross misconduct is alleged
 - (e) There are reasonable concerns that evidence or witnesses could be interfered with
 - (f) There are responsibilities to other parties.
- 5.5 Suspension is a neutral act and is not a disciplinary sanction and you will receive full pay and benefits during a period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to your absence).
- 5.6 During a period of suspension the Trust may require you not:
- 5.6.1 to attend your place of work at any time (except with the prior agreement of your line manager)
 - 5.6.2 to communicate in any way with parents pupils governors except:
 - (a) with the prior agreement of the Trust CEO, Trust Chair or their nominee; or
 - (b) where following the investigation you are called to a formal disciplinary meeting, when you may then approach governors parents or pupils as potential witnesses but this must be done via the Investigating Manager to avoid any breach of the Data Protection Act or confidentiality.
 - 5.6.3 to discuss the fact of your suspension or the fact of or nature of the allegations against you with any member of staff except:
 - (a) with the prior agreement of the Trust CEO, the Trust Chair or their nominee;
 - (b) for communication with your union representative;
 - (c) where you are called to an interview with the Investigating Manager or a disciplinary meeting when you may approach work colleagues for the purposes of identifying a willing work companion but only if you do not have a trade union representative; or

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- (d) where you are called to a formal disciplinary meeting you may approach work colleagues as potential witnesses in support of your case.

- 5.7 During a period of suspension the Trust may suspend your access to your email account and to other IT and communication services.
- 5.8 During a period of suspension the Trust may take such steps as necessary to cover your lessons or other commitments.

6. FORMAL PROCESS

6.1 Step 1 - Investigation

- 6.1.1 The Investigating Manager will conduct an investigation into your alleged conduct, with a view to seeking evidence of innocence as well as of guilt.
- 6.1.2 The Investigating Manager may appoint any other person from within the Trust or externally to assist in the investigation.
- 6.1.3 The investigation may include a face to face interview with you but this is not mandatory. You may if you wish provide a written statement or response to the Investigating Manager.
- 6.1.4 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible.
- 6.1.5 The Investigating Manager will produce an Investigation Report setting out evidence gathered and either a recommendation that there is no case to answer or a recommendation that there be a disciplinary hearing to consider specific allegations, with a view to imposing a formal disciplinary sanction.

6.1.6 You will be sent a copy of the Investigation Report.

6.1.7 The Investigation Report is a confidential document.

6.2 Step 2 – Disciplinary Meeting

- 6.2.1 If the Investigation Report contains a recommendation that you be subject to a formal disciplinary sanction you shall be required to attend a formal disciplinary meeting with the Disciplinary Manager.
- 6.2.2 The disciplinary meeting shall take place at least 5 working days after the Investigation Report was sent to you.

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- 6.2.3 The Disciplinary Manager shall consider all the evidence presented and you shall have an opportunity to present evidence in your defence and any evidence in mitigation.
- 6.2.4 The Disciplinary Manager may adjourn the disciplinary meeting to allow further investigations in the light of your evidence and will reconvene to give you an opportunity to comment on any further evidence produced by further investigations.
- 6.2.5 The Disciplinary Manager is not required to hear oral evidence and may rely on written evidence.
- 6.2.6 If the Disciplinary Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by attending the meeting or by reviewing the notes of that oral evidence after the meeting (if you were not present at the disciplinary meeting).
- 6.3 **Step 3 - Appeal**
- 6.3.1 If the Disciplinary Manager decides to impose a formal disciplinary sanction you will have the right to appeal to the Appeal Manager provided that you do so in writing to the Trust CEO within 5 working days of the written notification of the Disciplinary Manager's decision.
- 6.3.2 Your appeal must set out the grounds of appeal in detail. This will enable the Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.
- 6.3.3 The Appeal meeting will normally take place within 20 working days of your notice of appeal being received by the Trust CEO.
- 6.3.4 The Appeal Manager may not impose a more severe sanction than that imposed by the Disciplinary Manager.
- 6.3.5 The Appeal Manager may consider any new evidence produced by you not available to the Disciplinary Manager.
- 6.3.6 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your credibility in relation to evidence you have already given or if it rebuts any new evidence produced by you or any assertions made by you in your grounds of appeal.

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- 6.3.7 If the Appeal Manager considers that any new evidence from whatever source would warrant a more severe sanction the Appeal Manager shall refer the matter to the original Disciplinary Manager for consideration and the Disciplinary Manager may impose a more severe sanction. If there was an appeal against such an increased sanction, it would be heard (where possible) by a different Appeal Manager.
- 6.3.8 The Appeal Manager is not required to hear oral evidence and may rely on written evidence.
- 6.3.9 If the Appeal Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by attending the meeting or by reviewing the notes of that oral evidence after the meeting (if you were not present at the disciplinary meeting).

7. FORMAL SANCTIONS

The Disciplinary Manager may impose the following sanctions:

7.1 A First Written Warning

- 7.1.1 A First Written Warning will remain live for **12** months from the date that the Disciplinary Manager's written decision was sent to you.
- 7.1.2 For a first disciplinary offence (ignoring any informal action), a First Written Warning would be the normal response.

7.2 A Final Written Warning

- 7.2.1 A Final Written Warning will remain live for **24** months from the date that the Disciplinary Manager's written decision was sent to you.
- 7.2.2 A Final Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of misconduct)
- 7.2.3 A Final Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

7.3 Dismissal on notice

- 7.3.1 Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live

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Final Written Warning (even if the Final Written Warning related to a different type of misconduct).

- 7.3.2 For the avoidance of doubt the notice commences immediately and does not await the outcome of any appeal.
- 7.3.3 If your contract contains a payment in lieu of notice clause the Trust may exercise that clause to bring your contract to an end with immediate effect.



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7.4 Dismissal without notice or compensation

7.4.1 Dismissal without notice or compensation (also known as Summary Dismissal) will only occur if you have committed an act of gross misconduct or otherwise have destroyed the trust and confidence required between an employee and the Trust.

7.4.2 For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

7.4.3 The following is a **non-exhaustive** list of matters which the Trust considers may amount to gross misconduct:

- (a) Conduct that is likely to bring the Trust or the School into disrepute
- (b) Conduct giving rise to any Child Protection/Safeguarding issue
- (c) A serious breach of any relevant code of conduct, Trust policy or professional standards
- (d) Theft of any property
- (e) Malicious or wilful damage to any property
- (f) Falsifying any documents whether for personal gain or not
- (g) Ordering any goods or services on behalf of the Trust from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Trust CEO or Trust Chair
- (h) Dishonesty
- (i) Violence to any person
- (j) Unlawfully restraining a pupil
- (k) Abusive threatening or offensive language or behaviour to any person
- (l) Unlawful discrimination or harassment
- (m) Bullying
- (n) Deliberate refusal to carry out a lawful and safe instruction
- (o) Absence from work without leave or reasonable explanation
- (p) Disclosing the contents of any live examination paper or assessment in advance to any pupil or parent
- (q) Concealing any actual or attempted cheating by any pupil or colleague
- (r) Attending work or undertaking duties whilst under the influence of alcohol or unlawful drugs
- (s) Misuse of ICT (including internet, private social networking sites or blogs, online activity and email access) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material
- (t) Making an audio or video recording of a conversation or meeting without the prior express consent of all those participating
- (u) Supplying your personal contact details to a pupil without express authorisation from your Headteacher

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- (v) Interacting with a pupil online out of school hours other than through the Managed Learning Environment
- (w) Making any sexual or romantic contact with any pupil whatever the age of the pupil
- (x) Breaching the confidentiality or data protection obligations surrounding a pupil, parent or colleague
- (y) Serious breach of health and safety procedures
- (z) Serious negligence (whether or not leading to any actual loss)
- (aa) Criminal activity during the course of employment
- (bb) Making a false malicious or vexatious allegation against the Trust, a parent, pupil, colleague or governor
- (cc) Making a public criticism of the Trust, the School or the Head teacher, outside the Trust's Public Interest Disclosure Policy.

7.5 Voluntary demotion as an alternative to higher formal sanction

7.5.1 There may a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your misconduct.

7.5.2 The Disciplinary Manager may offer you the option of taking a voluntary demotion as an alternative to a higher formal sanction.

8. GUIDANCE FOR MANAGERS ON THE CONDUCT OF DISCIPLINARY HEARINGS

The ACAS Guide on Disciplinary and Grievance at work says:

"The Disciplinary Manager should:

- (a) ensure that all the relevant facts are available, such as disciplinary records and any other relevant documents (for instance absence or sickness records) and, where appropriate, written statements from witnesses*
- (b) check if there are any special circumstances to be taken into account. For example, are there personal or other outside issues affecting performance or conduct?*
- (c) be careful when dealing with evidence from a person who wishes to remain anonymous. Take written statements, seek corroborative evidence and check that the person's motives are genuine*
- (d) consider what explanations may be offered by the employee, and if possible check them out beforehand*

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- (e) allow the employee time to prepare his or her case. Copies of any relevant papers and witness statements should be made available to the employee in advance*
- (f) arrange a time for the meeting, which should be held as privately as possible, in a suitable room, and where there will be no interruptions*
- (g) try and get a written statement from any witness from outside the organisation who is not prepared to or is unable to attend the meeting*
- (h) allow the employee to call witnesses or submit witness statements*
- (i) consider the provision of an interpreter or facilitator if there are understanding or language difficulties (perhaps a friend of the employee, or a co-employee). This person may need to attend in addition to the companion though ideally one person should carry out both roles*
- (j) make provision for any reasonable adjustments to accommodate the needs of a person with disabilities*
- (k) think about the structure of the meeting and make a list of points you will wish to cover*
- (l) any rules the organisation has for dealing with failure to attend disciplinary meetings*

How should the disciplinary meeting be conducted?

Remember that the point of the meeting is to establish the facts, not catch people out.

The meetings may not proceed in neat, orderly stages but it is good practice to:

- introduce those present to the employee and explain why they are there*
- introduce and explain the role of the accompanying person if present*
- explain that the purpose of the meeting is to consider whether disciplinary action should be taken in accordance with the organisation's disciplinary procedure*
- explain how the meeting will be conducted.*

Statement of the complaint

State precisely what the complaint is and outline the case briefly by going through the evidence that has been gathered. Ensure that the employee and his or her representative or accompanying person are allowed to see any statements made by witnesses and question them.

Employee's reply

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Give the employee the opportunity to state their case and answer any allegations that have been made. They should be able to ask questions, present evidence and call witnesses. The accompanying person may also ask questions and should be able to confer privately with the employee. Listen carefully and be prepared to wait in silence for an answer as this can be a constructive way of encouraging the employee to be more forthcoming.

Establish whether the employee is prepared to accept that they may have done something wrong or are not performing to the required standard. Then agree the steps which should be taken to remedy the situation.

If it is not practical for witnesses to attend, consider proceeding if it is clear that their verbal evidence will not affect the substance of the complaint. Alternatively, consider an adjournment to allow questions to be put to a witness who cannot attend in person but who has submitted a witness statement.

General questioning and discussion

You should:

- *use this stage to establish all the facts*
- *ask the employee if they have any explanation for the alleged misconduct or unsatisfactory performance, or if there are any special circumstances to be taken into account*
- *if it becomes clear during this stage that the employee has provided an adequate explanation or there is no real evidence to support the allegation, bring the proceedings to a close*
- *keep the approach formal and polite and encourage the employee to speak freely with a view to establishing the facts. A properly conducted disciplinary meeting should be a two-way process. Use questions to clarify the issues and to check that what has been said is understood. Ask open-ended questions, for example, 'what happened then?' to get the broad picture. Ask precise, closed questions requiring a yes/no answer only when specific information is needed*
- *do not get involved in arguments and do not make personal or humiliating remarks. Avoid physical contact or gestures which could be misinterpreted or misconstrued as judgemental.*

If new facts emerge, it may be necessary to adjourn the meeting to investigate them and reconvene the meeting when this has been done.

Summing up

Summarise the main points of the discussion after questioning is completed. This allows all parties to be reminded of the nature of the offence, the arguments and evidence put forward and to ensure nothing is missed. Ask the employee if they have anything further to say. This should help to demonstrate to the employee that they have been treated reasonably.

Adjournment before decision

Adjourn before a decision is taken about whether a disciplinary penalty is appropriate. This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised, particularly if there is any dispute over facts”.

9. ILL HEALTH

- 9.1 A disciplinary process can still be completed even if an employee is signed off as unfit to work. Fitness to work is not the same as fitness to participate in a disciplinary process.
- 9.2 If an employee is unable to attend a disciplinary interview due to ill health confirmed by a medical practitioner they may be sent written questions and given 7 calendar days to respond.
- 9.3 If an employee is unable to attend a disciplinary meeting the hearing may proceed provided the employee has:
- (a) an opportunity to put a written statement to the hearing;
 - (b) an opportunity to have a companion attend the hearing in their place;
 - (c) an opportunity to review the notes of oral evidence and to submit written questions upon it.
- 9.4 The Trust and its medical adviser shall have regard to the following extracts from the Health and Work Handbook issued by the Royal College of General Practitioners Faculty of Occupational Medicine and Society of Occupational Medicine:

“Disciplinary proceedings and management investigations

Occupational health and primary care teams may become involved in cases in which the employer is in dispute with the employee, and a disciplinary process is pending. This may result in dismissal of the employee, or a formal warning

In these circumstances the doctor or nurse is sometimes asked to give an opinion as to whether the employee is fit to attend an investigation or disciplinary hearing. The employee may be suffering from stress related or depressive symptoms and may have requested sick certification. In these circumstances it is likely that the effects of an unresolved dispute on the employee’s mental health may be greater if the proceedings are postponed. An employee may be unfit for work but fit to engage with the management process. The doctor or nurse will have to assess whether attendance is likely to cause serious deterioration in the employee’s mental or physical health, for example if there is a significant risk of suicide

Management investigations or disciplinary meetings do not have to be held in the workplace; they could be held away from work, at a ‘neutral’ location such as a hotel. This may be a helpful suggestion if the employee is anxious about going back into the workplace at this stage

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The following questions may be used to determine fitness to attend a disciplinary meeting, or engage with the management process leading to such a meeting:

- *Does the employee have the ability to understand the allegations made against them?*
- *Does the employee have the ability to distinguish right from wrong?*
- *Is the employee able to instruct a friend or representative to represent their interests?*
- *Does the employee have the ability to understand and follow the proceedings, if necessary with extra time and a written explanation?"*

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10. TRADE UNION OFFICERS

The Trust notes and adopts the ACAS Code of Practice's statement "Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement."

11. REFERRALS

11.1 Where a teacher is dismissed for serious misconduct (or may have been dismissed for serious misconduct if the teacher had not resigned) the Trust must consider whether to refer the circumstances to the Teaching Agency under section 141D of the Education Act 2002 which came into force on 1 April 2012.

The Teaching Agency website link is:

<http://www.education.gov.uk/schools/leadership/teachermisconduct/b00203674/referring>

11.2 Where a person working within the Trust (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

- (a) which endangered a child or was likely to endanger a child
- (b) which if repeated against or in relation to a child, would endanger that child or would be likely to endanger him
- (c) involving sexual material relating to children (including possession of such material)
- (d) involving sexually explicit images depicting violence against human beings (including possession of such images)
- (e) of a sexual nature involving a child

The Trust must refer that person to the Disclosure and Barring Service under section 35 of the Safeguarding Vulnerable Groups Act 2006.

1. SCOPE OF SICKNESS ABSENCE POLICY

1.1 This policy is designed to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees by supporting them and our requirements to deliver an effective education to its pupils.

1.2 For the avoidance of doubt this policy may be used concurrently with our Capability policy and our Disciplinary policy.

1.3 In this policy, "Absence Contact" means:

- (a) our CEO if you are a Headteacher;
- (b) your Headteacher if you are a member of the teaching staff or School Business Manager;
- (c) your Headteacher or the School Business Manager if you are a member of support staff;
- (d) our CEO if you are a member of central Trust staff; or
- (e) the Trust Chair if you are our CEO.

2. GENERAL PRINCIPLES

We expect every School to:

- (a) address sickness absence;
- (b) always monitor attendance;
- (c) ensure proactively that short term absences do not go unrecorded;
- (d) take swift supportive action if the absence is work related;
- (e) keep accurate, up to date, employee attendance records;
- (f) develop and maintain an atmosphere and conditions that encourage people to come to work;
- (g) deal with each person as an individual;
- (h) handle attendance problems promptly and sensitively, in a supportive manner;
- (i) treat all staff fairly and consistently;
- (j) keep governors and our CEO informed about the School's sickness absence rate;
- (k) seek support and advice from its HR provider.

3. YOUR OBLIGATIONS

You are expected to:

- (a) comply with the sickness notification process in place for your workplace;
- (b) ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work;
- (c) take and follow the medical advice and treatment offered;
- (d) keep in regular reasonable touch (consistent with your medical condition) and inform your Absence Contact of any significant developments affecting the period of absence, and
- (e) attend medical appointments promptly.

4. SICKNESS NOTIFICATION

4.1 You must notify us of your sickness absence in accordance with the process adopted at your workplace which will ordinarily be by 7am on a School Day. Only in exceptional circumstances such as hospitalization can someone else call on your behalf.

4.2 Brief details of the reason for absence and, if possible, some indication of a return to work date should be given during this contact. Ideally, the position in relation to current workload should be discussed in order to help us make appropriate cover arrangements.

4.3 If your absence is the result of an accident or an injury sustained at work, then this information must be made known. You should indicate if the incident has been reported, when it was reported and to whom.

4.4 If you fall ill during the working day you may only leave work after notifying your line manager or other senior person.

4.5 You must call every day unless you have indicated the length of your absence, given a return to work date or sent in a statement of fitness for work (FIT note).

4.6 You are required to complete a self-certificate to cover every day of absence, including half days.

4.7 A doctor's Statement of Fitness for Work must be provided by all staff where sickness absence lasts beyond 7 calendar days. The doctor's statement must be forwarded to your Absence Contact to reach them on or before the eighth day of absence.

4.8 If staff are required to submit more than one doctor's statement for any period of absence, all doctor's statements must run concurrently and staff are required to inform their Absence Contact prior to submitting a new doctor's statement. This is to ensure that our educational needs are fulfilled and to give you the opportunity to indicate if there are any ways in which we can support you and to give you the opportunity (if you wish it) to be kept up to date with developments at work.

4.9 The requirement for weekly contact may be relaxed if a doctor's Statement of Fitness for Work indicates that such contact would inhibit your return to work or by agreement with you.

5. RETURN TO WORK DISCUSSIONS

5.1 After every absence your Absence Contact must, before you begin to undertake duties, discuss with you:

- (a) the reasons for your absence;
- (b) the appropriate notification has been completed;
- (c) your fitness to work; and
- (d) whether there are any issues which require particular support from us.

5.2 A record of this discussion should be placed on your personnel file.

5.3 Your Absence Contact may use the return to work discussion as an opportunity to bring you up to date with developments at work during your absence.

5.4 It is expected that a return to work discussion would normally last no more than 10 minutes.

6. OCCUPATIONAL HEALTH REFERRAL

6.1 We may at any time refer you to Occupational Health for an assessment of:

- (a) your health;
- (b) its impact on your attendance or on your punctuality;
- (c) its impact, if any, on any alleged misconduct;
- (d) its impact on your fitness to perform the duties required by your employment;
- (e) its impact on your ability to attend formal meetings or interviews under this or any other policy particularly in the light of the guidance at page 20 of the Health and Work Handbook produced by the Faculty of Occupational Medicine, Royal College of General Practitioners, Society of Occupational Medicine (<http://www.rcgp.org.uk/pdf/healthandworkhdbk.pdf>); and
- (f) what steps we could take to improve your health and/or attendance.

6.2 You are required to cooperate with such referrals.

6.3 If you decide not to engage with the Occupational Health referral we will proceed to make decisions without the benefit of your input and your sick pay may be stopped.

6.4 Before making any decision to dismiss on notice under this Sickness Absence policy we will have referred you for at least one occupational health assessment.

6.5 There is no right of appeal against a referral to Occupational Health.

7. ABSENCE REVIEWER AND APPEAL MANAGER

The table below sets out the normal level of delegation for dealing formally with absence due to sickness or ill health.

Your level	Absence Reviewer	Appeal Manager
School's headteacher	Chair of School Governors or a person nominated by our CEO	Our CEO or nominee
Other school leadership spine	School's headteacher	Chair of School Governors or nominee
Other school staff	School's headteacher or their nominee	School's headteacher or Chair of School Governors if the headteacher is the Absence Reviewer
Non-school Trust staff other than CEO	Our CEO or nominee	Trust Chair or nominee
Our CEO	Our Chair or nominee	Trust Board

8. EQUALITY ACT CONSIDERATIONS

In calculating periods of sickness absence for this policy we will:

(a) always disregard any time taken off for pregnancy related illness or in connection with gender-reassignment.

(b) consider on a case by case basis whether disability-related illness should be disregarded to ensure that we meet our duty to make reasonable adjustments under the Equality Act.

9. PERSISTENT INTERMITTENT ABSENCE

9.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.

9.2 Managerial problems are created by the frequency of the absence and the reasons behind the absence. It can only be addressed effectively through proper monitoring systems and effective management action.

Triggers

9.3 Whilst each case of sickness absence should be considered individually (for example where the absence is unlikely to recur no further process would be appropriate), the following triggers will normally lead to an Informal Sickness Monitoring Review Meeting:

- (a) sickness absence of 10 or more working days in any 12 month period, accrued over 3 periods of absence or more;
- (b) sickness absence of 6 or more working days accrued over 2 or more periods of absence in any 4 month period;
- (c) two periods of sickness absence both lasting 4 or more days in any 12 month period; or
- (d) any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable dates.

10. LONG TERM ABSENCE

10.1 Long-term absence occurs where you are absent from work for at least 4 weeks as the result of a serious health problem. It can normally be distinguished from frequent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition. In addition to Formal Absence Review Meetings there may be informal monitoring meetings with your Absence Reviewer and/or a member of the senior leadership team, particularly around phased returns to work or consideration of ill health retirement.

Trigger

10.2 An absence lasting 4 working weeks will normally lead to an Informal Sickness Monitoring Review Meeting but may lead directly to a Formal Absence Review Meeting. This may be delayed depending on the nature of the illness and the outcomes of the informal review meeting

11. INFORMAL PROCESS

11.1 Sickness monitoring interviews will be carried out as part of the normal supervisory role. The intention of this procedure is that the Informal Sickness Monitoring Review Meeting is conducted by your Absence Reviewer when the trigger criteria have been met, to provide support to you following a significant amount of sickness absence leave, and to assist you to reduce your sickness absence.

11.2 In recognizing the Trust's duty of care to employees, headteachers/managers are expected to address concerns as soon as they arise. Informal Sickness Monitoring Review Meetings including referral to the Occupational Health Service, may therefore take place before the trigger points are reached.

11.3 You will be invited to attend an Informal Sickness Monitoring Review Meeting with your Absence Reviewer. The meeting should be held when an employee's sickness reaches the trigger point. The informal interview is an exploration meeting to discuss the reasons for sickness, whether there are any underlying health/general issues, and how improved attendance may be achieved. In most cases it will not be necessary for a union or HR representative to be present. In some circumstances where it is felt that it would appropriate the employee should be informed in advance and both HR and the permitted union representative or work colleague may be present. The approach should be a supportive one with the view of offering help and advice to aid you to improve attendance. The interview should be conducted in private with the complete absence record available for discussion.

11.4 During the Informal Sickness Monitoring Review Meeting, you and your Absence Reviewer shall discuss an action plan with the aim of improving attendance, and including a review date. The review period will normally be 2-3 months, dependent on the pattern of sickness absence and the particular circumstances. Issues for discussion at the sickness meeting may include:

- (a) causes or symptoms of the illness;
- (b) patterns of sickness absence;
- (c) causes and contributory factors such as work-related or domestic-related issues;
- (d) impact of the level of sickness absence on service delivery and other colleagues who are required to cover the absence;
- (e) potential solutions, including temporary adjustments to working arrangements;
- (f) practical advice or support;
- (g) referral to the Occupational Health Service; and
- (h) setting individual attendance targets and a further review period.

11.5 The Absence Reviewer shall ensure the following:

- (a) the outcome of the meeting should be confirmed in writing to you;
- (b) notes of the meeting should be retained by the manager and a copy given you. The note should summarise the outcome of the discussions, action points and state the action that you will take to improve their attendance. The notes of the meeting will be retained on your personal file
- (c) That any part of the action plan agreed that involves any management action and support is taken as quickly as possible;
- (d) If the first absence monitoring interview does not produce an improvement after the review period, formal action could be taken.

11.6 It is not necessary for the Absence Reviewer to wait for the end of the review period before tackling a pattern of absence that continues to cause concern.

12. FORMAL ABSENCE REVIEW MEETING

12.1 If the targets set at the informal stage are not met a first Formal Absence Review Meeting should be arranged unless there are good reasons for remaining at the informal stage.

The following applies to all formal meetings:

- (a) employees will be given at least 5 working days' written notice of meetings that they are required to attend;
- (b) the outcomes of all formal meetings and reviews will be confirmed in writing;
- (c) head teachers may make decisions and take actions in the absence of the employee but should seek specific advice from Occupational Health and HR before doing so. Employees who are

unable to attend may arrange for a representative to attend on their behalf, and/or submit written representation in advance.

At the meeting the Absence Reviewer will need to:

- consider the causes of the sickness absence and its effect on work, taking account of medical advice.
- explain school policy on sickness absence including the focus on whether the employee can give regular and efficient service.
- explore any work, welfare or domestic problems or other explanation offered.
- Set meaningful targets for a return to work; consider options that would improve attendance or enable a return to work.
- issue any warning and determine a course of action which will take into account the needs of the school, and where possible, the interests of the employee.
- keep records and notes of the matters discussed.

12.2 There can be more than one Formal Absence Review Meeting particularly if specialist consultant's reports are awaited. After a first Formal Absence Review Meeting, sickness absence review meetings should take place; it is recommended that these take place on a monthly basis. If a member of staff is on long-term sickness absence it is essential to maintain contact.

13. FINAL STAGE ILL HEALTH HEARING

13.1 If levels of absence continue to cause concern, headteachers/managers shall consider inviting you to attend a Final Stage Ill Health Hearing.

13.2 A Final Stage Ill Health Hearing will be arranged to decide on the employee's future employment, if medical advice suggests that the employee will not, within a reasonable period, be able to return to work or undertake the full duties of their post and is unsuitable for medical redeployment.

13.3 The Absence Reviewer will consider:

- if the employee is capable of regular and efficient service after hearing from the manager and the employee.
- if the employee's health needs are compatible with the School's need for work to be done.
- any reasonable alternatives to dismissal including reasonable adjustments to the work or work place, redeployment, phased return, early retirement and so on.
- whether the employee has been treated reasonably in all the circumstances
- determine a course of action which will take into account the needs of the trust, and, where possible, the interests of the employee.

13.4 At least 5 working days before a Final Stage Ill Health Hearing, the Absence Reviewer shall send you an Absence Report:

- (a) setting out your absences from work indicating the reasons given for the absence;
- (b) setting out any suggestions made by you or us for support to make reasonable adjustments to working arrangements that could reduce your absence or assist your return to work; and
- (c) including copies of self-certificates, Statements of Fitness to Work from your doctor and all medical

reports including those from Occupational Health.

13.5 At a Final Stage III Health Hearing you will have the opportunity to:

- (a) present any medical evidence in your possession or other evidence referring to any other underlying cause;
- (b) make suggestions about managing your return to work including any phased return to work or change in hours; and
- (c) make suggestions of support or other reasonable adjustments that could be made.
- (d) you will be informed of the seriousness of your absence and the impact it can have on your future employment

14. FORMAL RESPONSES

14.1 The Absence Reviewer may undertake the following formal responses:

Reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified e.g. phased return to work, change in work station, support of a colleague, counselling.

Dismissal with Notice

In coming to such a decision in relation to a case of persistent intermittent absence the Absence Reviewer will consider:

- (a) the total absence and pattern of absence;
- (b) the available medical prognosis;
- (c) advice from occupational health;
- (d) the reasons advanced for the absence;
- (e) how long you have worked for us;
- (f) what additional demands has the persistent intermittent absence generated for other employees and the School;
- (g) whether other reasonable adjustments have been considered; and
- (h) whether other reasonable adjustments have been made and if so whether they were effective.

In coming to such a decision in relation to a case of long term absence the Absence Reviewer will consider:

- (a) the available medical prognosis;

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SICKNESS ABSENCE POLICY AND PROCEDURE

- (b) advice from occupational health;
- (c) is complete recovery likely and, if so, when;
- (d) how long you have worked for us;
- (e) what additional demands has the absence generated for other employees;
- (f) whether alternative employment or a transfer is available, suitable and acceptable;
- (g) whether Ill-Health Retirement under the LGPS or TPS has been explored;
- (h) whether other reasonable adjustments have been considered; and
- (i) whether other reasonable adjustments have been made and if so whether they were effective.

15. APPEAL

15.1 You may appeal against a dismissal on notice by writing to the Clerk within 5 working days of being sent the notification of termination.

15.2 The appeal hearing will not be a rehearing of the case and the appeal decision is final.

15.3 Employees may appeal on the following grounds:

- (a) the proper procedure was not followed and the Appeal Manager will consider whether this materially affected the decision
- (b) the decision reached was unreasonable considering the information provided
- (c) new evidence has become available

15.4 The fact of the appeal does not delay the commencement of any notice period.

15.5 Where a decision is recommended for dismissal, notice in line with the employee's contract must be paid. If your contract contains a payment in lieu of notice clause we may exercise that clause to bring your contract to an end with immediate effect.

15.6 Any appeal against dismissal should normally be heard by the Appeal Manager within 20 working days.

16. REPRESENTATION

You may bring a union representative or a work colleague to any Formal Absence Review Meeting including the Ill Health Hearing.

1. SCOPE

- 1.1 This Capability Policy and Procedure applies to you if you are an employee of the Trust.
- 1.2 The purpose of the procedure is to give a structure to improve performance to the standards expected and to facilitate the fair dismissal of those who have not improved.
- 1.3 The Trust delegates its authority in the manner set out in this procedure.
- 1.4 There may be some occasions where an employee's behaviour could also be described as misconduct. This Capability Policy and Procedure and the Trust's Disciplinary Policy and Procedure may be used concurrently whilst the Trust endeavours to ascertain if the behaviour is due to misconduct or incapability.
- 1.5 There may be occasions where an employee's capability could relate to their health. This Capability Policy and Procedure may be used concurrently with the Trust's Sickness Absence Policy and Procedure. In particular if an employee goes off sick following the use of this Capability Policy and Procedure the Trust may use its Sickness Absence Policy and Procedure.
- 1.6 This Capability Policy and Procedure can be initiated at any time during any appraisal cycle.
- 1.7 The use of this procedure does not extend any probationary period and the Trust is free to terminate the employment of a person in a probationary period without following this procedure.

2. INFORMAL ACTION

- 2.1 Your line manager may give you informal warnings at any time about any performance falling short of the standard expected.
- 2.2 Your line manager will provide a support plan that may:
 - (a) give you informal advice, mentoring, coaching or counselling;
 - (b) arrange for you to observe lessons taught by other teachers in the Trust or elsewhere discuss your practice with advisory teachers
 - (c) arrange with you to observe best practice delivered by other colleagues.
- 2.3 Informal action could include establishing the expectations your employer has of you and what support will be given you to help you meet those expectations.

- 2.4 Informal action may be recorded in writing and may be referred to at a later stage as evidence that an informal approach was attempted and the success or failure of such an approach.
- 2.5 Remedial steps taken under the Teacher Appraisal Policy also count as informal action for the purposes of this Capability Policy and Procedure.

3. CAPABILITY, FINAL CAPABILITY AND APPEAL MANAGERS

<i>Employee Level</i>	<i>First/Second Capability Meeting – the Capability Manager</i>	<i>Final Capability Meeting – the Final Capability Manager</i>	<i>Appeal Manager</i>
Head teacher	A person nominated by the Trust CEO	Trust CEO or their nominee	Chair of the Trust or their nominee
Other Leadership Spine and Trust Business Manager	Head teacher	A person nominated by the Trust CEO	Trust CEO or their nominee
Other Teaching Staff	A member of the Leadership Team (other than the Head teacher) appointed by the Head teacher	Head teacher	Trust CEO or their nominee
Other Support Staff	A person appointed by the Head teacher	Head teacher	Trust CEO or their nominee
Trust staff not within School	Trust CEO or nominee of Trust Chair	Trust Chair or their nominee	Trust Chair or their nominee

4. ALTERNATIVE ACTION

- 4.1 There may be a situation where the Capability Manager considers that a recent promotion or job change has been a contributory factor in any unsatisfactory performance and that informal action has not been or is unlikely to be effective.
- 4.2 The Capability Manager may offer you the option of taking a voluntary demotion as an alternative to proceeding with a First Capability Meeting.

5. FIRST CAPABILITY MEETING

- 5.1 The Capability Manager will produce a Performance Report setting out:

- 5.1.1 What aspects of your performance are causing concern
- 5.1.2 What specific performance standards are expected

- 5.1.3 The support that has been provided to you so far
- 5.2 This Performance Report will be sent to you at least 2 working days before the First Capability Meeting.
- 5.3 At the First Capability Meeting you will have an opportunity to comment upon the Performance Report and to discuss the professional shortcomings, possible support guidance and monitoring.
- 5.4 If the Capability Manager concludes that performance is unsatisfactory you will be given a First Written Warning which will:
- 5.4.1 Identify the professional shortcomings
 - 5.4.2 Give clear guidance on the improved sustainable standard of performance needed to exit the capability procedure
 - 5.4.3 Explain the support that will be available, and how performance will be monitored over the Assessment Period
 - 5.4.4 Identify the timetable for improvement and agree a date for the next Capability Meeting
 - 5.4.5 Make it clearly understood that failure to improve may lead to dismissal.
- 5.5 The length of the Assessment Period following a First Written Warning will be at least 4 working weeks and no more than 8 working weeks.
- 5.6 You may appeal against a First Written Warning by writing to the Trust CEO within 3 working days of being sent the Written Warning.
- 5.7 The fact of the appeal does not delay the implementation of the Assessment Period.
- 5.8 Any appeal should normally be heard within 10 working days of the Trust CEO receiving your appeal.
- 6. SECOND CAPABILITY MEETING**
- 6.1 The Capability Manager will prepare an Updated Performance Report recording the assessments, support and evaluation of your performance during the Assessment Period. This Report may be prepared and sent on the last day of the Assessment Period.
- 6.2 This Report will be presented to you at least 2 working days before the Second Capability meeting.
- 6.3 If after the Second Capability Meeting the Capability Manager considers that your performance remains unsatisfactory you will be given a Final Written Warning setting an Assessment Period of 4 working weeks and setting the date for the Final Capability Meeting.

You will be informed that failure to make satisfactory sustainable improvement will result in your dismissal.

- 6.4 You may appeal against a Final Written Warning by writing to the Trust CEO within 3 working days of being sent the Final Written Warning.
- 6.5 The fact of the appeal does not delay the implementation of the Assessment Period.
- 6.6 Any appeal should normally be heard within 10 working days of the Trust CEO receiving your appeal.

7. FINAL CAPABILITY MEETING

- 7.1 The Capability Manager will prepare a Final Performance Report recording the assessments, support and evaluation of your performance during the Assessment Period. This report may be prepared and sent on the last day of the Assessment Period.
- 7.2 This report will be presented to you at least 2 working days before the Final Capability Meeting
- 7.3 If after the Final Capability Meeting the Final Capability Manager concludes that your performance remains unsatisfactory and is not capable of sustainable improvement the Final Capability Manager will terminate your employment on notice.
- 7.4 You may appeal against a dismissal on notice by writing to the Trust CEO within 3 working days of being sent the notification of termination.
- 7.5 The fact of the appeal does not delay the commencement of the notice period.
- 7.6 If your contract contains a payment in lieu of notice clause the Trust may exercise that clause to bring your contract to an end with immediate effect.
- 7.7 Any appeal should normally be heard within 20 working days of the Trust CEO receiving your appeal.

LIME TRUST

GRIEVANCE RESOLUTION POLICY AND PROCEDURE

1. SCOPE OF PROCEDURE

- 1.1. This Grievance Resolution Policy and Procedure is available to you if you work within the Trust, whatever your employment status and is aimed at providing you with a structure to promptly resolve grievances which are not covered by other policies or procedures.
- 1.2. This procedure cannot be used to:
- (a) complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring, appraisal etc) in relation to you whilst that procedure is being followed;
 - (b) appeal against any formal or informal disciplinary sanction;
 - (c) appeal against any decision to terminate your employment whether on grounds of ill-health, incapacity, redundancy, poor performance or other grounds;
 - (d) appeal against selection for redundancy;
 - (e) complain about or appeal against any decision relating to pay or grading. Such matters are covered by the Trust's Pay Policy;
 - (f) complain about or appeal against any decision relating to your pension. Separate Dispute Resolution Procedures have been set up by the Teachers' Pension Scheme (http://www.teacherspensions.co.uk/public/~//media/Files/Documents/24902_TP_Complaints_leaflet_Web.ashx) and the local fund of the Local Government Pension Scheme;
 - (g) complain about any matter that forms a collective grievance where the appropriate mechanism is for representations to be made by the appropriate trade union representatives;
 - (h) complain about any matter which is properly the subject of a statutory consultation process;
 - (i) complain about matters which have been or should have been brought under the Trust's Public Interest Disclosure/Whistleblowing policy and procedure or
 - (j) complain about matters which are more than three months old (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live).
- 1.3. The Trust delegates its authority in the manner set out in this procedure.
- 1.4. The primary purpose of this procedure is to resolve current grievances.
- 1.5. The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.6. The Trust's focus is on the remedial steps required to resolve a grievance.
- 1.7. The Trust does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.

LIME TRUST GRIEVANCE RESOLUTION POLICY AND PROCEDURE

- 1.8. The Trust shall seek to resolve grievances raised by an employee during their notice period, using this procedure.
- 1.9. The Trust shall not seek to resolve grievances raised after an employee has ceased to be an employee, under this procedure. Any grievance raised after an employee has ceased employment, may be dealt with by a written response from the Stage 1 Resolution Manager without any right of appeal.

2. INFORMAL RESOLUTION

Before raising a formal grievance under this procedure, you should try to resolve the matter informally either through your line manager or, where possible, with the other party. This will require you to state clearly what resolution you wish to achieve.

3. RESOLUTION MANAGERS

The Resolution Manager where possible should be someone not personally involved in the matter which is the subject of the grievance and will be appointed as follows on the basis of the subject matter of the grievance:

<i>Your grievance relates to</i>	<i>Stage 1 Resolution Manager</i>	<i>Stage 2 Resolution Manager</i>
Pupils, parents or staff (other than the Headteacher)	The Headteacher or a member of the Senior Leadership Team appointed by the Headteacher	Chair of Academy Council or another non-staff Governor nominated by the Chair
The Headteacher or a Governor (other than the Chair of Governors)	The Chair of Governors	Trust CEO or nominee
The Chair of Academy Council (or a group of Governors including the Chair of Governors) or the Whole Academy Council or a Trust employee not in school (other than the CEO)	Trust CEO or nominee	Trust Chair or nominee
The Trust Chair	The Vice Chair or nominee	The Vice Chair or nominee
The Trust CEO or the Trust Board	The Trust Chair or nominee	The Trust Chair or nominee

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GRIEVANCE RESOLUTION POLICY AND PROCEDURE

4. FORMAL GRIEVANCE

4.1. Stage 1

- 4.1.1. If you have not been able to resolve a problem through informal discussions, you must use Form GRP1 and submit it to the Head teacher or Chair of the Academy Council
- 4.1.2. The Head teacher or the Chair of the Academy Council will formally appoint a Resolution Manager following (wherever possible) the guidance in Paragraph 3 above.
- 4.1.3. The Resolution Manager will arrange to meet with you as soon as possible, normally within ten working days of receiving the Form GRP1.
- 4.1.4. After this Resolution Meeting, the Resolution Manager will confirm a response in writing (the "Resolution Letter").

4.2. Stage 2

- 4.2.1. If you are not satisfied with the Stage 1 Resolution Manager's response, you can appeal by sending a completed Form GRP2 to the Head teacher or the CEO within five working days of the response being sent to you.
- 4.2.2. The Headteacher or CEO will formally appoint a different Resolution Manager, following (wherever possible) the guidance in Paragraph 3 above.
- 4.2.3. The Stage 2 Resolution Manager will arrange for a meeting with you as soon as possible, but normally within ten working days of the Head teacher or CEO receiving the Form GRP2.
- 4.2.4. After this Resolution Meeting, the Stage 2 Resolution Manager will confirm a response in writing (the "Final Resolution Letter"). The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal and no fresh grievance may be issued in relation to the matter.

5. CONFIDENTIALITY AND TRANSPARENCY

- 5.1. Proceedings and records of any grievance will be kept as confidential as possible but you must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.
- 5.2. A grievance you raise could result in the instigation of disciplinary action in respect of another employee and to protect the confidentiality of that process, the Trust may not be able to inform you of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of your grievance.
- 5.3. You should not disclose the fact of or content of any grievance to any employee or third party without the express consent of the Resolution Manager (except that you are allowed to approach a prospective companion or your trade union representative).

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GRIEVANCE RESOLUTION POLICY AND PROCEDURE

- 5.4. At the conclusion of your grievance and after any related disciplinary or other processes have been completed, a report will be presented to the Trust Board as a confidential item. This report will not identify you but will identify the content of your complaint so that the Directors are aware of any concerns that are being raised by staff and are assured that processes to resolve concerns are operating effectively.

6. INDEPENDENT MEDIATION

As part of a resolution of a grievance, a Resolution Manager may propose independent mediation particularly in situations where there are personality clashes between employees.

7. GUIDANCE TO RESOLUTION MANAGERS

The following guidance is taken from the ACAS Guide to Discipline and Grievances at work.

Preparing for the meeting, the Resolution Manager should :

- (a) “consider whether similar grievances have been raised before, how they have been resolved and any follow-up action that has been necessary.
- (b) consider arranging an interpreter where the employee has difficulty speaking English
- (c) consider whether any reasonable adjustments are necessary for a person who is disabled and/or their companion
- (d) consider whether to offer independent mediation.

In conducting the meeting the Resolution Manager should:

- (a) remember that a grievance hearing is not the same as a disciplinary hearing and is an occasion when discussion and dialogue may lead to an amicable solution
- (b) make introductions as necessary
- (c) invite the employee to re-state their grievance and how they would like to see it resolved
- (d) put care and thought into resolving grievances. They are not normally issues calling for snap decisions and the employee may have been holding onto the grievance for a long time. Make allowances for any reasonable “letting off steam” if the employee is under stress.
- (e) consider adjourning the meeting if it is necessary to integrate new facts which arise
- (f) sum up the main points
- (g) tell the employee when they might reasonably expect a response if one cannot be made at that time.”

8. FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

LIME TRUST GRIEVANCE RESOLUTION POLICY AND PROCEDURE

Making a deliberately false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct.

9. PUBLIC INTEREST DISCLOSURE/WHISTLEBLOWING

You should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the Trust's Public Interest Disclosure Procedure for further details). You will not be allowed to raise the same matter under both procedures.



LIME TRUST

NOTIFICATION OF FORMAL GRIEVANCE TO THE TRUST CEO

Submitted by	Name:	
	Job Title:	

1. I wish to formally complain about the behaviour, conduct or decisions of:

- Staff (other than the Head teacher)
- Head teacher
- A Governor
- The Chair of Governors
- The Governors as a whole
- A Trust employee not in school
- The Trust CEO
- The Trust Chair
- The Trust Board

2. The details of my complaint are *(where possible please identify dates, times and names)*:

3. **EITHER** I have attempted to resolve my grievance informally by (please detail your attempts at informal resolution) **OR** I have not attempted to resolve this matter informally because (*delete where appropriate*):

4. In considering my grievance, I ask you to consider speaking to the following:

5. In considering my grievance, I ask you to look at the following attached documents:

6. In considering my grievance, I ask you to look for the following documents:

7. The outcome I am seeking to resolve this grievance is:

8. During the period in which you investigate my grievance, I would like you to consider taking the following steps (if any):

9. My grievance does/does not* include a complaint that I am subject to discrimination, bullying or harassment.

10. My grievance does/does not* include a complaint that raises a child protection issue.

11. I will/will not* need special help at my Resolution Meeting.

12. My companion at the Stage 1 Resolution Meeting will be:

13. My companion cannot attend a Resolution Meeting on the following dates/times:

-
-
-

LIME TRUST

NOTIFICATION OF FORMAL GRIEVANCE TO THE TRUST CEO

I have read the Trust's Grievance Resolution Policy and Procedure and am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that the GRP1 may be forwarded to the Designated Person for Child Protection and the Local Authority Designated Officer. I am aware that a report on the outcome of this grievance will be submitted to the Trust Board.

Signed:

Print name:

Date:

OFFICE USE ONLY

Received by Clerk to Governors on:

Stage 1 Resolution Manager:

Received by Stage 1 Resolution Manager:

Resolution Meeting held:

Refer to Designated Person CP: YES/NO

Refer to LADO: YES/NO

** delete as appropriate*

LIME TRUST
NOTIFICATION OF APPEAL AGAINST GRIEVANCE RESOLUTION

Submitted by	Name:	
	Job Title:	
Stage 1 Resolution Manager:		

1. I wish to formally appeal against the Stage 1 Resolution Manager's decision.

I attach:

- A copy of my Form GRP1
- The Stage 1 Resolution Manager's Resolution Letter

2. I disagree with the Resolution Letter because:

LIME TRUST
NOTIFICATION OF APPEAL AGAINST GRIEVANCE RESOLUTION

3. I want the Stage 2 Resolution Manager to:

4. I will/will not* need special help at the Stage 2 Resolution Meeting.

5. My companion at the Stage 2 Resolution Meeting will be:

6. My companion cannot attend a Resolution Meeting on the following dates/times:

-

LIME TRUST
NOTIFICATION OF APPEAL AGAINST GRIEVANCE RESOLUTION

<ul style="list-style-type: none">••

Signed:	<input type="text"/>
Print name:	<input type="text"/>
Date:	<input type="text"/>

OFFICE USE ONLY
Received by Clerk to Governors on:
Stage 2 Resolution Manager:
Received by Stage 2 Resolution Manager:
Resolution Meeting held:

** delete as appropriate*

